

TRANSMITTAL SLIP		DATE
TO: <i>Harry Fitzwater</i>		
ROOM NO.	BUILDING	
<i>7D24</i>		
REMARKS:		
<i>EO/DDA</i> <i>R</i> <i>16 SEP 1983</i>		
<i>DDA</i> <i>A</i> <i>19 SEP 1983</i>		
<i>SSA/DDA</i> <i>x/Bu 2/9</i>		
<i>Registry</i>		
FROM		
ROOM NO.	EXTENSION	

FORM NO. 241 REPLACES FORM 36-8 WHICH MAY BE USED. (47)

STAT

DD/A Registry

83-4221

OLL 83-2143

16 September 1983

MEMORANDUM FOR: Harry Fitzwater
Deputy Director for Administration

[Redacted]
Deputy Director of Personnel

Allen Elkins
Director of Finance

DD/A REGISTRY

100-13

STAT

[Redacted]
Chief, Compensation Division, O/F

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FROM:

[Redacted]
Legislation Division, OLL

STAT

SUBJECT: H.R. 3871, Concerning Hourly
Rates of Pay for Federal Employees

1. Attached for your information and review is a copy of H.R. 3871 which was recently introduced by Representative Ford, (D., MI), Chairman, House Post Office and Civil Service Committee. As you can see, the bill has several co-sponsors. It has been referred to Chairman Ford's committee. The bill seeks to amend Section 310(b) of the Omnibus Reconciliation Act of 1982 (attached) to delay implementation of the adjustment in the hourly rate of pay for federal employees which is scheduled to take effect 1 October. This bill would not repeal that provision but add a new paragraph (4) to section 310(b) to delay the effective date of this adjustment until the effective date of any pay increase awarded federal employees under section 5305 of title 5. At this point in time, it appears that any pay increase for federal employees will not take effect until next January, which would have the effect of delaying any adjustment in the hourly rate until that time.

2. Chairman Ford hopes to bring this legislation up under suspension of the rules next Tuesday, 20 September. Given that the practical effect of the implementation of subsection 310(b) would be a pay cut for federal employees unless done at the same time a pay increase takes effect, this legislation stands a good chance of quick and favorable consideration by the House.

3. Also attached is a copy of Chairman Ford's introductory remarks on the bill, as well as additional remarks by Representative Vic Fazio of California. In addition, I am attaching Mike Causey's column on the issue from the 16 September Washington Post.

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Attachments

98TH CONGRESS
1ST SESSION

H. R. 3871

To amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1983

Mr. FORD of Michigan (for himself, Mr. UDALL, Mr. CLAY, Mrs. SCHROEDER, Mr. GARCIA, Mr. LELAND, Mr. ALBOSTA, Ms. OAKAR, Mrs. HALL of Indiana, Mr. SIKORSKI, Mr. DASCHLE, Mr. DE LUGO, Mr. SCHUMER, Mr. TAYLOR, Mr. GILMAN, Mr. CORCORAN, Mr. COURTER, Mr. WOLF, Mr. FAZIO, Mr. HOYER, Mr. BARNES, Mr. HEFTTEL of Hawaii, Mr. DYMALLY, Mr. WON PAT, Mr. STARK, Mr. LANTOS, Mr. DICKS, Mr. FAUNTROY, Mr. ROE, Mr. SWIFT, Mr. FRANK, Mr. HOWARD, Mr. DWYER of New Jersey, Mrs. BOXER, Mrs. COLLINS, Mr. FOGLIETTA, Mr. LEHMAN of California, Mr. AKAKA, Mr. DYSON, Mr. WEISS, Mr. COELHO, and Mr. BORSKI) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 310(b) of the Omnibus Budget Reconciliation

1 Act of 1982 is amended by adding at the end thereof the
2 following new paragraph:

3 “(4) Notwithstanding any other provision of this subsec-
4 tion, paragraph (1) shall not be effective with respect to pay
5 periods beginning before the effective date of any increase
6 under section 5305 of title 5, United States Code, in the
7 rates of pay under the General Schedule and the rates of pay
8 under the other statutory pay systems for fiscal year 1984.”.

9 SEC. 2. The amendment made by this Act shall be effec-
10 tive as of October 1, 1983.

○

“(A) the maximum pay payable for GS-15 30 days before the effective date of the adjustment under this section; or

“(B) the final pay (or average pay, if higher) of the employee or Member with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in rates of pay of the General Schedule under subchapter I of chapter 53 of this title during the period—

5 USC 5301.

“(i) beginning on the date the annuity commenced (or, in the case of a survivor of the retired employee or Member, the date the employee's or Member's annuity commenced), and

“(ii) ending on the effective date of the adjustment under this section.

“(2) For the purposes of paragraph (1) of this subsection, ‘pay’ means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.”

“Pay.”

(b) The amendment made by subsection (a) of this section shall not cause any annuity to be reduced below the rate that is payable on the date of the enactment of this Act, but shall apply to any adjustment occurring on or after such date of enactment under section 8340 of title 5, United States Code, to any annuity payable from the Civil Service Retirement and Disability Fund, whether such annuity has a commencing date before, on, or after the date of enactment of this Act.

5 USC 8340 note.

FEDERAL EMPLOYEE PAY ADJUSTMENTS

SEC. 310. (a)(1) Notwithstanding any other provision of law, if—

5 USC 5305 note.

(A) before September 1, 1982, the President transmits to the Congress pursuant to section 5305(c)(1) of title 5, United States Code, an alternative plan which provides for an overall percentage pay adjustment which is less than 4 percent, and

(B) the alternative plan referred to in subparagraph (A) is disapproved pursuant to such section 5305,

the rates of pay under the General Schedule and the rates of pay under the other statutory pay systems shall be increased under the provisions of such section 5305 by 4 percent in the case of fiscal year 1983.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect on the first day of the first applicable pay period commencing on or after October 1 of such fiscal year.

Effective date.

→ (b)(1) Notwithstanding any other provision of law, effective with respect to fiscal years 1984 and 1985, and applicable in the case of an employee under the General Schedule, any hourly rate derived under section 5504(b)(1) of title 5, United States Code, shall be derived by dividing the annual rate of basic pay by 2,087.

5 USC 5504 note.

(2) Paragraph (1) shall not apply in determining basic pay for purposes of subchapter III of chapter 83 of title 5, United States Code.

5 USC 8331.

(3) The Office of Personnel Management may prescribe regulations necessary for the administration of this subsection insofar as this subsection affects employees in or under an Executive agency.